IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 16179 of 2004

Between:

Pentaiah Enterprises, Diet Contractors, Area Hospital, Barkas,

rep.by its Prop.M.Pentaiah, C-46, S.R.T.Colony, Uppuguda,

Hyderabad.

... PETITIONER

AND

1 The Prl.Secretary, Medical & Family Welfare (CI) Dept., Secretariat

buildings, Hyderabad.
2 The Commissioner, A.P.Vaidya Vidhana Parishad, Sultan Bazar,

Hyderabad.
3 The District Coordinator of Hospital services King Koti,

Hyderabad.
4 The Medical Superintendent, Community Hospital, Barkas,

Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue order or orders, direction or directions, writ or writs, particularly one in the nature of "writ of Mandamus" and declare the action of the respondents in not paying the enhanced diet charges as per the G.O.Ms.No.255, Health, Medical and Family Welfare (CI) Department dt.20-6-2003, as illegal, arbitrary and against the law laid down by divisional Bench of this Hon'ble court in W.A.No.280 of 2000 and batch, and consequently direct the respondents to pay the enhanced diet charges as per G.O.MsNo.255, Health, Medical and Family Welfare (CI) Department dt. 20-6-2003 w.e.f. from 20-6-2003.

Counsel for the Petitioner: MR.G.BUCHAIAH GOUD

Counsel for the Respondents:

No.1: GP FOR MEDICAL HEALTH & FAMI.WELFARE

Nos.2 to 4: Standing Counsel for A.P.Vaidya Vidhana Parishad

The Court at the admission stage made the following:

ORDER:

Heard the learned counsel for the petitioner, the learned Government Pleader appearing for respondent No.1 and Mr. K.L.N. Swamy, Standing Counsel for A.P.Vaidya Vidhana Parishad for Respondents 2 to 4. Counsel appearing on either side have agreed for disposal of the Writ Petition at the stage of admission.

2. The petitioner is a diet contractor supplying food to the patients in the hospital under the control of second respondent. He is being paid Rs.10/- per head for supply of meal for general patients and Rs.15/- for T.B. Patients in pursuance of the orders of the Government in G.O.Ms.No.257, dated 31-05-1995. Subsequently due to hike in prices, the petitioner made a representation to the Government and the Government issued G.O.Ms.No.255, Health, Medical and Family Welfare (C1) Department, dated 20-06-2003 for enhancing the rate of the meal of the general inpatients from Rs.10/- to Rs.15/- and for T.B. patients from Rs.15/- to Rs.20/-.

The G.O. came into force with immediate effect. The grievance of the petitioner is that the second respondent is not paying enhanced rate for the meal that is being supplied to the patients as per the rates sanctioned under G.O.Ms.No.255. Therefore, he approached this Court seeking direction to the second respondent to pay the enhanced rate for the meal that is being supplied to him.

3. A Division Bench of this Court in W.A.No.280 of 2000 and batch dated 19-07-2001 resolved the conflict by accepting the proposition that G.O.Ms.No.257 dated 31-05-1995 came into effect from 01-04-1995 and the consequential escalation charges have to be paid to the writ petitioners-diet contractors.

4. In the light of the circumstances explained by the petitioner, the second respondent is directed to implement the G.O.Ms.No.255, Health, Medical and Family Welfare (C1) Department, dated 20-06-2003, if it is in force and pay the enhanced rates within two months from the date of receipt of a copy of this order extending the benefit of enhanced rate from the date of G.O.Ms.No.255, Health, Medical and Family Welfare (C1) Department, dated 20-06-2003, if necessary by addressing the Government for release of the necessary funds.

The Writ Petition is accordingly disposed of. No costs.

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A. **GOPAL REDDY, J**

September 10, 2004

MRR

To:

1 The Prl.Secretary, Medical & Family Welfare (CI) Dept., Secretariat

Buildings, Hyderabad.
2 The Commissioner, A.P.Vaidya Vidhana Parishad, Sultan Bazar,

Hyderabad.
3 The District Coordinator of Hospital services King Koti,

Hyderabad.
4 The Medical Superintendent, Community Hospital, Barkas,

Hyderabad.

5 Two C.C.s to the G.P for Medical Health and Family Welfare, High

Court Buildings, Hyderabad (OUT).

6 Two C.D. Copies.